

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JARED BRIKSZA,

Plaintiff,

No. 21-10621

v.

Honorable Nancy G. Edmunds
Magistrate Judge Anthony P. Patti

WHOLE FOODS MARKET INC.,
STEVE OSBORNE,
ROCIO CARDENAS,
MERYL FELSEN, *et al.*,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION TO DENY DEFENDANTS' MOTION TO DISMISS BUT
GRANT REQUEST FOR A MORE DEFINITE STATEMENT [13]**

Plaintiff Jared Briksza initiated this lawsuit *in pro per* against Whole Foods Market, Inc., Steve Osborne, Rocio Cardenas, and Meryl Felsen, as well as 12 “unknown culpable parties.” (ECF No. 1, PageID.1, 21-22.) The facts underlying this matter stem from Plaintiff’s alleged employment as a manager of the Seafood Department at Whole Foods’s Ann Arbor, MI location. (ECF No. 1, PageID.3-10 ¶¶ 1-25.) Plaintiff has paid the filing fee, and the named Defendants have appeared via counsel. (ECF Nos. 6, 7.) On July 9, 2021, the named Defendants filed a motion to dismiss, or in the alternative, a motion for a more definite statement of Plaintiff’s claims pursuant to Fed. R. Civ. Pro. 12(e).

Presently before the Court is the Magistrate Judge’s October 13, 2021 Report and Recommendation. (ECF No. 13.) The Magistrate Judge recommends that the Court

deny Defendants' motion to the extent it seeks dismissal but grant the request for a more definite statement. (ECF No. 8.) Specifically, the Magistrate Judge suggests the Court should require Plaintiff to amend his Complaint to provide a more definite statement and clarify the legal bases for his claims. (ECF No. 13, PageID.65, 71.)

No party filed objections to the Magistrate Judge's Report and Recommendation. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court nevertheless has reviewed the record in full and finds itself in agreement with the magistrate judge's recommendation. Accordingly, the Court ACCEPTS and ADOPTS the October 13, 2021 Report and Recommendation. (ECF No. 13.) Defendants' Motion to Dismiss for Failure to State a Claim or, alternatively, For a More Definite Statement is hereby **GRANTED IN PART AND DENIED IN PART** with Defendant's motion to dismiss for failure to state a claim being **DENIED** and Defendant's Motion for a More Definite Statement pursuant to Fed. R. Civ. P. 12(e) being **GRANTED**.

Plaintiff is ordered to file an amended complaint within 30 days of entry of this Order. Whether Plaintiff elects to continue *in pro per* or hire counsel, the amended complaint shall comply with all the Federal Rules of Civil Procedure, including but not limited to Rule 10(b), which requires a party to "state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b). Plaintiff shall also properly and specifically plead each cause of action he

brings so that the legal bases of such claims are clear and “the Court and the defendants [are not] left to guess which legal duty was allegedly breached or the facts which lead to that allegation.” (ECF No. 13, PageID.72.) See *also Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989) (“[t]he trial and appellate courts should not have to guess at the nature of the claim [or claims] asserted.”)

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 8, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 8, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager